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9 UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

11 In the Matter of) ORDER
12 JAMES STENDERUP) Docket No. 84-11
13)
14 Respondent.)
15)
16 Proceeding Under Section)
17 106(a) of the Comprehensive)
Environmental Response,)
18 Compensation and Liability Act)
of 1980 (42 U.S.C. §9606(a)))

19 I

20 JURISDICTION

21 The following Order is issued on this date to James Stenderup
22 ("Respondent") pursuant to the authority vested in the President
23 of the United States by §106(a) of the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (CERCLA), 42
25 U.S.C. §9601 et seq., delegated to the Administrator of the
26 United States Environmental Protection Agency (EPA) by Executive
27 Order Number 12316 (August 20, 1981, 46 FR 42237), and redelegated
28 to the Regional Administrator, EPA, Region 9. Notice of the
issuance of this Order has been given to the State of California.

II

FINDINGS OF FACT

1. Respondent is the owner of property located at 12601 Bloomfield Ave., Santa Fe Springs, California ("facility"). The facility is approximately .33 acres in size. The ground surface is paved within the facility. A chain-link fence extends around the perimeter of the facility. Immediately adjacent to the facility is a gasoline station. Within 1,000 feet of the facility is a motel and a restaurant.
2. The facility is a facility as defined by CERCLA §101(9), 42 U.S.C. 9601(9).
3. Prior to the inspection of this facility by EPA on May 25, 1984, the operator of this facility, Frank J. Stankovich, the General Disposal Company facility in Santa Fe Springs, California. On July 10, 1981, a chemical fire and explosion destroyed approximately 12,000 of the 18,000 drums stored at the one-acre site. The drums contained paint components, industrial solvents, and pesticides, including some 25 hazardous substances.
4. Respondent has engaged in the storage of hazardous substances as defined by the Resource Conservation and Recovery Act (RCRA). Respondent has not notified EPA of this activity pursuant to §3010(a) of RCRA and failed to submit Part A of the RCRA permit application by November 19, 1980 as required by §3005 of RCRA. As such, the facility has not achieved interim status as defined by §3005(e) of RCRA and is operating in violation of RCRA.

1 5. On May 25, 1984, Chris Vais and Bill Lewis of the EPA Emer-
2 gency Response Section, inspected the facility. They made
3 the following observations:

4 A. About 300 fifty-five gallon drums are stored on the
5 ground and on flatbed trucks. About 60% of the drums
6 are empty or contain solids. The remaining 40% contain
7 liquids classified as paint, paint wastes and waste
8 oil. The drums are heavily rusted and densely packed,
9 thereby obstructing any labelling and presenting the
10 threat of release of hazardous substances.

11 B. 300 five gallon pails containing paint are heavily
12 corroded and in seriously deteriorated condition.

13 C. Two 2500-gallon vacuum trucks, approximately 60-80%
14 full, are parked on the site. One truck is filled with
15 white paint sludge, the other contains waste oil.

16 D. One 2500-gallon tank, about 20% full of unknown sludges,
17 is located on the site.

18 E. 19 samples were collected from drums containing liquid.
19 The flammability of each sample was assessed on site.
20 Five of the samples were found to be highly flammable
21 compounds. The headspace gas was analyzed for volatile
22 organic compounds. Of the 19 samples analyzed, the
23 following organic compounds were found in the concen-
24 trations noted:

25 n-butyl mercaptan	130 ppm
26 benzene	480 ppm
27 p-xylene	490 ppm
28 1,1,1-trichlorethane	250 ppm

1	acetone	2,300 ppm
2	methyl ethyl ketone	20,300 ppm
3	ethyl acetate	825 ppm
4	toluene	1,200 ppm
5	1,1,1-trichloroethylene	250 ppm
6	methanol	260 ppm
7	tetrahydrofuran	930 ppm

8 These organic compounds are "hazardous substances" as defined
9 in §101(14) of CERCLA.

- 10 7. Current storage conditions violate the requirement of 40 CFR
11 265.175 in that there must be 50 feet of clearance between
12 the storage of containers of hazardous waste and the
13 property boundary.
- 14 8. A threat to human health and the environment exists in
15 the event of a fire and explosion at the facility, in that:
- 16 A. The emission of toxic by-products of combustion is
17 highly likely as a result of a fire or explosion.
- 18 B. Debris propelled from the facility due to an explosion
19 would increase the likelihood of direct contact with
20 the public.
- 21 C. Large volumes of contaminated runoff can be expected to
22 escape from the facility during fire-fighting activities.

23 III

24 DETERMINATION

25 Based upon the foregoing Findings of Fact, the Regional
26 Administrator has determined that hazardous substances are stored
27 at the facility and that the release or threat of release of
28 such substances from the facility may present an imminent and

1 substantial endangerment to the public health or welfare or the
2 environment. The initiation of immediate removal action will
3 prevent or mitigate immediate and significant risk of harm to
4 human life or health or the environment.

5 The Regional Administrator has further determined that
6 Respondent is the current owner responsible for conducting the
7 actions ordered herein, which are necessary to abate the endanger-
8 ment to public health and the environment.

9 IV

10 ORDER

11 Based upon the foregoing Determination and Findings of
12 Fact, Respondent is ordered and directed, pursuant to §106(a) of
13 CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit to
14 EPA for approval a written proposal ("Proposal") for the removal
15 and disposal of all hazardous substances in the facility and
16 (II) implement the Proposal after receiving EPA approval of same.
17 The Proposal shall include the following:

- 18 1. A plan to remove all hazardous substances from the
19 facility.
- 20 2. A plan for the sampling and analysis of hazardous sub-
21 stances to satisfy any requirements for transporting
22 or disposing of same from the site. The plan shall
23 include provisions for the legal transport to and
24 disposal of all hazardous substances in an authorized
25 hazardous waste disposal facility in accordance with
26 all Federal, State, and local regulations.
- 27 3. A site safety plan.
- 28 4. A plan for taking representative samples of hazardous

1 substances at the facility to be provided to EPA. The
2 location, number and types of samples and analyses to be
3 taken will be specified by EPA.

4 5. All samples shall be collected, preserved, packaged,
5 shipped, handled, and prepared for analysis according
6 to the protocols specified by the EPA On-Scene Coordinator.
7 All sample handling shall be performed according to the
8 chain of custody procedures described in Appendix A of
9 this Order. All samples analyzed pursuant to this Order
10 shall be analyzed according to EPA-approved analytical
11 methods.

12 6. A schedule for the implementation of the Proposal.
13 The schedule shall provide for total cleanup of the
14 facility within 14 days of approval of the Proposal.

15 Respondent shall submit the Proposal and provide for receipt
16 of same by EPA at the address listed below by 12 noon on Thursday,
17 June 7, 1984. Proposal shall be submitted to the contact person
18 named in the Order.

19 Respondent shall assume full responsibility for any claims
20 arising from the activities conducted by Respondent or his rep-
21 resentatives or consultants in connection with this Order.

22 Respondent shall provide access to the site for EPA employees,
23 contractors, or consultants at all reasonable times and shall
24 permit such persons to be present and move freely in the area
25 where any work is being conducted pursuant to this Order.

26 EPA shall designate an On-Scene Coordinator (OSC) who shall
27 have the authority vested by 40 CFR §300 et seq., published at
28 47 FR Part 31180 (July 16, 1982).

OPPORTUNITY TO CONFER--EFFECTIVE DATE

Under the provisions of CERCLA, Respondent may request a conference to be held at any time before submittal of the Proposal to discuss the Order, its applicability, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which Respondents are ordered to take, and any other relevant or material issue. Such request may be made orally, but must be confirmed in writing. At any conference held pursuant to Respondent's request, Respondent may appear in person, with counsel or other representatives for the purpose of presenting any objections, defenses or contentions which Respondent may have regarding this Order.

This Order is effective immediately upon receipt of same by Respondent.

LIABILITY

If the OSC determines that Respondent is not complying with the terms of this Order, or that Respondent is not proceeding with work in a timely manner, or that Respondent's activities pose an imminent and substantial endangerment to the public health or welfare or the environment, the OSC may halt Respondent's activities and initiate a federal cleanup of the facility. Respondents may then be ordered to reimburse EPA for the costs of such activity pursuant to §107(c) of CERCLA.

You are advised that willful violation or failure or refusal to comply with this Order, or any portion hereof, may subject you to civil penalty of not more than \$5,000.00 for

1 each day in which violation occurs or such failure to comply
2 continues in accordance with §106(b) of CERCLA. Failure to
3 comply with this Order, or any portion hereof, without
4 sufficient cause, may also subject you to liability for
5 punitive damages in the amount of three times the total of
6 all costs incurred by the government as a result of your
7 failure to take proper action in accordance with §107(c) of
8 CERCLA.

9 It is so ordered on this 4 day of June, 1984.

10 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

11
12 BY: John Wise

13
14 for JUDITH E. AYRES
REGIONAL ADMINISTRATOR, Region 9

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17 Contact person:

18 Eric N. Koglin (T-4-2)
19 Environmental Protection Agency
20 215 Fremont Street
San Francisco, California 94105
Telephone: (415) 974-8919

21 After hours call the Duty Officer:
(415) 974-8131